

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 12, 2009 at 8:03
A.M., in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Wendy Warburton (R)

Members Excused: Rep. Bob Wagner (R)

Members Absent: None

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 281, 3/3/2009; SB 288, 3/3/2009;
SB 311, 3/3/2009; SB 405, 3/5/09;
SB 400, 3/5/09

Executive Action: SB 197, SB 333, SB 341, SB 108,
SB 171, SB 368, SB 374, SB 340

HEARING ON SB 281

Opening Statement by Sponsor:

00:00:42 Sen. Jim Shockley (R), SD 45, opened the hearing on
SB 281, Revise driver license suspension law.

Proponents' Testimony:

00:03:08 Chairman Stoker

00:03:15 David Ortley, Justice of the Peace, Kalispell, Montana
[EXHIBIT\(juh55a01\)](#)

00:06:34 Mary Phippen, Montana Magistrates Association

00:07:53 Brenda Nordlund, Motor Vehicle Division, Department of
Justice

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:09:51 Rep. Becker

00:10:05 Sen. Shockley

00:10:08 Rep. Becker

00:10:24 Sen. Shockley

00:11:37 Rep. Howard

00:11:46 Sen. Shockley

00:11:48 Rep. Howard

00:12:03 Sen. Shockley

00:12:33 Rep. Howard

00:13:25 Sen. Shockley

Closing by Sponsor:

00:13:36 Sen. Shockley

HEARING ON SB 311

Opening Statement by Sponsor:

00:14:10 Sen. Steven Gallus (D), SD 37, opened the hearing on
SB 311, Revise marriage licensure laws.

Proponents' Testimony:

00:15:11 Lori Maloney, Clerk of District Court, Butte Silverbow
County

00:17:52 Mary Phippen, Montana Association of Clerks of District Court

[EXHIBIT\(juh55a02\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:19:39 Sen. Gallus

HEARING ON SB 405

Opening Statement by Sponsor:

00:20:07 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 405, Revise grandparent-grandchild contact law.

Proponents' Testimony:

00:21:05 Cris Schuck

00:26:22 Peter Schuck

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:30:49 Chairman Stoker

00:31:06 Mr. Schuck

00:31:31 Chairman Stoker

Closing by Sponsor:

00:31:37 Sen. Moss

00:33:10 Chairman Stoker

HEARING ON SB 288

Opening Statement by Sponsor:

00:34:00 Sen. Greg Hinkle (R), SD 7, opened the hearing on SB 288, Require undertaking for challenges of energy development projects.

Proponents' Testimony:

00:39:41 Candace Payne, Southern Montana Electric Generation and
Transmission Cooperative
00:45:37 Don Allen, Western Environmental Trade Association
(WETA)
00:48:45 Jon Bennion, Montana Chamber of Commerce

Opponents' Testimony:

00:51:41 Chuck Magraw, Natural Resources Defense Council;
Renewable Northwest Project
00:58:05 Anne Hedges, Montana Environmental Information Center
01:04:01 Brenda Lindlief-Hall, attorney, Helena
01:07:23 Julia Page, Northern Plains Resource Council
01:10:56 Brianna Randall, Clark Fork Coalition
01:13:26 Al Smith, Montana Trial Lawyers Association
01:16:49 Sara Cobler, Montana Conservation Voters

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:33 Rep. Peterson
01:18:04 Ms. Hedges
01:18:06 Rep. Peterson
01:18:13 Ms. Hedges
01:18:58 Rep. Bennett
01:19:12 Ms. Lindlief-Hall
01:19:12 Rep. Bennett
01:20:00 Ms. Lindlief-Hall
01:22:10 Rep. Bennett
01:22:19 Chairman Stoker
01:22:29 Rep. Peterson
01:22:34 Ms. Hedges
01:23:32 Rep. Peterson
01:23:56 Ms. Hedges
01:24:06 Rep. Peterson
01:24:35 Mr. Magraw
01:24:36 Rep. Peterson
01:24:38 Mr. Magraw
01:24:46 Rep. Peterson
01:25:22 Mr. Magraw
01:25:46 Rep. Peterson
01:26:32 Mr. Magraw
01:27:08 Rep. Peterson
01:27:13 Rep. MacDonald
01:29:32 Sen. Hinkle

01:32:47 Rep. MacDonald
01:33:00 Sen. Hinkle
01:33:21 Rep. MacDonald
01:33:38 Sen. Hinkle
01:33:45 Rep. MacDonald
01:33:49 Rep. Regier
01:34:03 Sen. Hinkle
01:34:21 Rep. Menahan
01:35:26 Sen. Hinkle
01:38:17 Rep. Menahan
01:38:46 Sen. Hinkle
01:39:23 Chairman Stoker
01:40:07 Sen. Hinkle
01:40:10 Chairman Stoker
01:40:13 Sen. Hinkle
01:40:51 Chairman Stoker
01:40:57 Sen. Hinkle
01:41:25 Rep. Peterson
01:42:12 Sen. Hinkle
01:42:17 Chairman Stoker

Closing by Sponsor:

01:42:23 Sen. Hinkle

01:50:32 Chairman Stoker

01:50:48 Recess
02:13:32 Reconvene

HEARING ON SB 400

Opening Statement by Sponsor:

02:13:44 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 400, Revise laws related to justice courts.

Proponents' Testimony:

02:15:47 Bruce Spencer, Montana Collectors Association
02:18:19 Steve Wade, Montana Collectors Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:19:10 Rep. Peterson

02:19:20 Mr. Spencer
02:19:21 Rep. Peterson
02:19:37 Mr. Spencer
02:19:43 Rep. Peterson
02:19:54 Mr. Spencer
02:20:12 Rep. Peterson
02:20:33 Mr. Spencer
02:20:59 Rep. Peterson
02:21:01 Chairman Stoker
02:21:47 Mr. Spencer
02:21:48 Chairman Stoker
02:21:50 Mr. Spencer
02:22:11 Chairman Stoker

Closing by Sponsor:

02:22:19 Sen. Laslovich
02:22:24 Chairman Stoker

EXECUTIVE ACTION ON SB 197

02:26:58 Chairman Stoker
02:27:02 **Motion:** Rep. Peterson moved that **SB 197 BE CONCURRED IN.**

Discussion:

02:27:10 Chairman Stoker
02:27:27 Rep. Peterson
02:28:34 Rep. Regier
02:28:46 Rep. Peterson
02:28:56 Chairman Stoker
02:29:11 Rep. Sands called the question.
02:29:15 **Vote:** Motion carried unanimously by voice vote. Rep. Kottel, Rep. More, and Rep. Wagner voted by proxy.
02:29:55 Chairman Stoker

EXECUTIVE ACTION ON SB 333

02:30:08 **Motion:** Rep. Peterson moved that **SB 333 BE CONCURRED IN.**

Discussion:

02:30:10 Chairman Stoker

02:31:16 Rep. Menahan
 02:31:54 Rep. Peterson
 02:33:08 Rep. Driscoll
 02:33:35 Rep. Ebinger
 02:33:49 Rep. Warburton
 02:34:34 Rep. Peterson
 02:35:18 Rep. MacDonald
 02:36:46 Rep. Peterson called the question.
 02:36:50 Chairman Stoker

 02:37:52 **Vote:** Motion failed 9-9 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye. Rep. Kottel, Rep. More, and Rep. Wagner voted by proxy.

 02:38:56 Chairman Stoker

EXECUTIVE ACTION ON SB 340

02:39:33 **Motion:** Rep. Peterson moved that **SB 340 BE CONCURRED IN.**

Discussion:

02:40:06 Chairman Stoker
 02:40:34 Rep. Peterson
 02:40:47 Rep. Driscoll called the question.

 02:40:53 **Vote:** Motion carried unanimously by voice vote. Rep. Wagner, Rep. Kottel, and Rep. More voted by proxy.

 02:41:13 Chairman Stoker

EXECUTIVE ACTION ON SB 341

02:41:27 Chairman Stoker

 02:41:36 **Motion:** Rep. Peterson moved that **SB 341 BE CONCURRED IN.**

Discussion:

02:41:43 Chairman Stoker
 02:41:47 Rep. Menahan
 02:42:42 Rep. Blewett
 02:42:46 Chairman Stoker
 02:43:01 Rep. Menahan
 02:46:04 Chairman Stoker

02:46:10 Rep. Menahan
 02:47:08 Rep. Peterson
 02:47:54 Rep. Ebinger
 02:48:14 Rep. Peterson
 02:48:39 Rep. Ebinger
 02:48:43 Rep. Becker
 02:49:22 Rep. Peterson
 02:50:13 Rep. Becker
 02:50:14 Chairman Stoker
 02:50:20 Rep. Kottel and Rep. More rejoined the meeting.
 02:50:26 Peterson called the question.

 02:50:31 **Vote:** Motion carried 16-2 by roll call vote with Rep. Becker and Rep. Driscoll voting no. Rep. Wagner voted by proxy.

EXECUTIVE ACTION ON SB 108

02:53:04 **Motion:** Rep. Menahan moved that **SB 108 BE TAKEN OFF THE TABLE.**

Discussion:

02:55:27 Chairman Stoker

 02:55:40 **Vote:** Motion carried 9-8 by roll call vote with Rep. Kerns, Rep. Sands, Rep. Bennett, Rep. More, Rep. Becker, Rep. Regier, Rep. McClafferty, and Rep. Howard voting no.

 02:57:16 **Motion:** Rep. Menahan moved that **SB 108 BE CONCURRED IN.**

Discussion:

02:57:27 Chairman Stoker
 02:57:29 Rep. Menahan
EXHIBIT(juh55a03)

 02:58:20 Mr. Niss
 02:59:11 Rep. Menahan
 02:59:47 Chairman Stoker

 02:59:51 **Motion:** Rep. Menahan moved that **SB 108 BE AMENDED** (refer to Exhibit 3).

Discussion:

03:00:08 Chairman Stoker

03:00:21 Rep. Kottel
 03:03:41 Chairman Stoker
 03:04:16 Rep. Kottel
 03:04:38 Chairman Stoker
 03:04:42 Rep. Peterson called the question.

03:04:47 **Vote:** Motion carried unanimously by roll call vote.
 Rep. Wagner voted by proxy.

03:05:32 Chairman Stoker

03:05:57 **Motion:** Rep. Menahan moved that **SB 108 BE CONCURRED IN AS AMENDED.**

03:06:11 Rep. Peterson called the question.

03:06:15 **Vote:** Motion carried unanimously by voice vote. Rep.
 Wagner voted by proxy.

EXECUTIVE ACTION ON SB 171

03:06:43 **Motion:** Rep. Peterson moved that **SB 171 BE TAKEN OFF THE TABLE.**

EXHIBIT(juh55a04)

03:07:00 Chairman Stoker
 03:07:05 Rep. Wagner joined the meeting.
 03:07:16 Rep. Peterson
 03:07:20 Chairman Stoker
 03:07:57 Rep. Peterson
 03:09:13 Chairman Stoker

03:09:44 **Vote:** Motion carried 14-3 by voice vote with Rep.
 Driscoll, Rep. Becker, and Rep. MacDonald voting no.

03:10:11 **Motion:** Rep. Peterson moved that **SB 171 BE CONCURRED IN.**

Discussion:

03:10:28 Chairman Stoker

03:10:42 **Motion:** Rep. Peterson moved that **SB 171 BE AMENDED**
 (refer to Exhibit 4).

Discussion:

03:10:50 Chairman Stoker
 03:11:05 Rep. Peterson

03:13:26 Rep. Bennett called the question.

03:13:34 Rep. Kottel

03:14:28 Rep. Wagner joined the meeting.

03:15:16 Chairman Stoker

03:15:22 Rep. Blewett called the question.

03:15:28 **Vote:** Motion carried unanimously by voice vote.

03:15:45 **Motion:** Rep. Peterson moved that **SB 171 BE CONCURRED
IN AS AMENDED.**

Discussion:

03:15:53 Chairman Stoker

03:15:58 Rep. Blewett

03:16:21 Rep. Peterson

03:16:41 Chairman Stoker

03:16:48 Rep. Menahan

03:17:26 Rep. Peterson

03:17:59 Rep. Bennett

03:18:38 Chairman Stoker

03:19:03 Rep. Blewett

03:19:45 Chairman Stoker

03:20:10 Rep. Blewett

03:20:30 Chairman Stoker

03:20:46 Rep. Kottel

03:21:27 Rep. Peterson

03:21:57 Rep. Menahan

03:23:11 Chairman Stoker

03:23:22 Rep. Menahan

03:23:27 Chairman Stoker

03:23:33 Rep. Peterson called the question.

03:23:50 **Vote:** Motion carried unanimously by voice vote.

03:24:14 Rep. Peterson

03:24:25 Chairman Stoker

EXECUTIVE ACTION ON SB 368

03:26:18 **Motion:** Rep. Peterson moved that **SB 368 BE CONCURRED
IN.**

Discussion:

03:26:31 Chairman Stoker

03:27:05 Rep. Peterson

03:27:23 Rep. Sands

03:28:00 Rep. More

03:28:29 Chairman Stoker

03:28:43 Rep. Peterson called the question.

03:28:47 **Vote:** Motion carried unanimously by voice vote.

03:28:53 Rep. Sands

03:30:43 Chairman Stoker

EXECUTIVE ACTION ON SB 374

03:30:58 **Motion:** Rep. Peterson moved that **SB 374 BE CONCURRED IN.**

Discussion:

03:31:30 Chairman Stoker

03:31:53 Rep. Bennett

03:32:27 Rep. Peterson

03:32:35 Rep. Howard

03:33:08 Rep. Warburton

03:33:58 Rep. Sands

03:35:30 Rep. Blewett

03:36:26 Rep. Kottel

03:38:31 Rep. Warburton

03:39:55 Rep. Peterson called the question.

03:40:56 Chairman Stoker

03:41:09 Rep. Peterson

03:41:20 Rep. More

03:42:56 Chairman Stoker

03:43:00 **Vote:** Motion failed 9-9 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye.

03:43:43 Chairman Stoker

ADJOURNMENT

03:44:10 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

EXHIBIT ([juh55aad.pdf](#))